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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,029	03/26/2004	Hans Gunter Felske	2003P00483 US	8410

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER

KUHN, MART K

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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09/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/810,029	Applicant(s) FELSKE ET AL.	
	Examiner Mart K. Kuhn	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 26 March 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

2. The drawings were received on 2 July 2007. These drawings are acceptable.

Claim Rejections—35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1–7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites the limitation “a dowel having a constant diameter” in line 11. The limitation of a constant diameter is unsupported by the specification. The specification indicates that the shanks and dowel have “enormous diameter elasticity” (page 10, line 11), whereby the dowel can be expanded or contracted as necessary for the installation or removal of the holding pin; indeed, claim 4 even specifies that the dowel is “configured ... to be attached ... by

Art Unit: 3637

spreading" (lines 3–4), which spreading, though consistent with the specification, is incongruous with the previously claimed constant diameter.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 5–7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites the limitation that the dowel is "configured ... to be attached ... by spreading" (lines 3–4), which is inconsistent with the "constant diameter" recited in claim 1. It is unclear how the dowel can spread while maintaining a constant diameter.

Claim Rejections—35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1–6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funaki, US patent 4,423,608, in view of Wollar et al., US patent 4,610,587, and Hoyle et al., US patent 5,129,768. Funaki discloses a household appliance (10) having a body (12) with a cabinet shape, and a work surface panel (78) attached to the body, the work surface panel having a rear surround (86) integrally formed thereon. Funaki also teaches holes formed in the rear surround (Fig. 2), but not an elongated hole, a holding pin with a slotted-link section, or a shank forming a dowel with a constant diameter larger than a width of the elongated hole. Wollar et al.

Art Unit: 3637

'587 teach an attachment apparatus with a holding pin (20) for attaching a panel (16), such as a work surface panel, to a second panel (18), such as an appliance body; the holding pin having a slotted-link section (24) with a rectangular cross-section (column 5, lines 25–28) configured to pass through holes (12, 14) in the panels being attached, a shank (28, 62, 64) formed as a continuation of the slotted-link section, the shank forming a dowel with a slot (30) therethrough. It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the appliance of Funaki by including a holding pin with a rectangular slotted-link section and a shank forming a dowel with a slot therethrough, as taught by Wollar et al. '587, for the purpose of releasably securing the work surface panel to the appliance body. Funaki and Wollar et al. '587 do not teach an elongated hole in the work surface panel, or a dowel with a diameter larger than a width of the elongated hole. Hoyle et al. teach an attachment apparatus including a holding pin (10) with a slotted-link section (40), the holding pin securing panels (52, 34) together, a panel having an elongated hole (32) therein to allow the holding pin to shift to compensate for misalignment of the panels (column 1, lines 12–16), the holding pin further having shanks (40a, 40b) forming a dowel with a diameter larger than a width of the elongated hole, allowing the holding pin to be snapped into place independently of the insertion of a threaded fastener (column 4, lines 54–58; column 5, lines 7–17). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the appliance of Funaki, already modified by Wollar et al. '587, by including an elongated hole in the work surface panel, as taught by Hoyle et al., for the purpose of enabling the holding pin to move laterally to accommodate variations in the positions of the work surface panel and the appliance body, and by giving the dowel a wider diameter than the elongated hole or the slotted-link section, as taught by Hoyle et al., for the purpose of enabling the holding pin to be snapped into place in the work surface panel.

Art Unit: 3637

Regarding claims 2–5, Funaki does not teach a holding pin having a head-type attachment, an axial bore, a dowel attached by spreading, or a slot extending to a head-type attachment. However, Wollar et al. '587 teach a holding pin having a head-type attachment (26), an axial bore (34) for receiving an attachment element (22), and a slot (30) extending from the head-type attachment (26) and through a slotted-link section (24) to form a slotted dowel or shank (28, 62, 64), the slotted dowel entering an opening (14) and spreading therein (Fig. 21). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the appliance of Funaki, already modified as above, by including a head-type attachment, an axial bore in the holding pin, and a slot extending to the head-type attachment, as taught by Wollar et al. '587, for the purpose of allowing the holding pin to rest against the surface of the work surface panel, and to be expanded by the insertion of an attachment element to hold the two panels together.

Regarding claim 6, Funaki does not teach a holding pin with ear-shaped lateral projections. Wollar et al. '587 teach a holding pin wherein the head-type attachment has a pair of ear-shaped lateral projections (60) with an internal separation (Fig. 15) as large as the diameter of an attachment element (22), the slot of the holding pin extending as far as the lateral projections (Fig. 18). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the appliance of Funaki, already modified as above, by including ear-shaped lateral projections on the head-type attachment, as taught by Wollar et al. '587, for the purpose of providing bearing surfaces containing threads to engage an attachment element.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funaki, Wollar et al. '587, and Hoyle et al. as applied to claim 5 above, and further in view of Wollar, US patent 4,726,722. As noted above, Funaki, Wollar et al. '587, and Hoyle et al. teach every element of

Art Unit: 3637

the claimed invention, other than apertures formed in the head-type attachment. Wollar '722 teaches an attachment apparatus having a holding pin (12) which fastens a panel (16) to another panel (18), the holding pin having a head-type attachment (24) with ear-shaped lateral projections (50), a slotted-link section (58) with a slot (46) continuing to an adjoining shank or slotted dowel (28), and further having apertures (52) formed in the head-type attachment adjacent the slotted-link sections, allowing the slotted-link sections to be depressed as by a flat tool for the removal of the holding pin. It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the appliance of Funaki, already modified by Wollar et al. '587 and Hoyle et al. as above, by including apertures in the head-type attachment, as taught by Wollar '722, for the purpose of facilitating the removal of the holding pin by allowing the slotted-link sections to be compressed.

Response to Arguments

9. Applicant's arguments, see page 5, filed 2 July 2007, with respect to the objections to the drawings and claims, and the previous rejections under 35 U.S.C. § 112, have been fully considered and are persuasive. The objections and rejections have been withdrawn.

10. Applicant's arguments filed 2 July 2007 have been fully considered but they are not persuasive. As noted above, Hoyle et al. disclose a dowel wider than the hole it fits through, the dowel thus being compressed when inserted into the hole and resiliently expanding when through it, being maintained in place by the resulting expansion before being further secured by a threaded fastener. One of ordinary skill in the art would have recognized the predictable benefit of a holding pin able to secure itself, and would have been able to apply the teaching to the holding pin of Wollar et al. '587 by widening the dowel relative to the slotted-link section and the hole.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

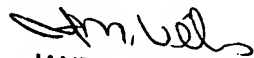
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mart K. Kuhn whose telephone number is (571) 272-8926. The examiner can normally be reached on M–F, 8:30am–5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MKK MKK
9/17/2007


JANET M. WILKENS
PRIMARY EXAMINER
ATU 1363